

C. Remarks

In response to the Office Action dated February 4, 2004, Applicants respectfully request favorable reconsideration of this application based on the foregoing claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

At page 2 of the Office Action, claims 1-13, 15-20, and 28-36 were rejected under 35 U.S.C. § 102(b) as being anticipated by Srinivasan (U.S. Patent No. 5,185,782). At page 9 of the Office Action, claims 14 and 21-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Srinivasan in view of Farris (U.S. Patent 5,692,033). Applicants respectfully traverse each of these rejections for at least the following reasons.

1. Section 102(b) Rejection of Claims 1-13, 15-20, and 28-36

Applicants respectfully submit that a claim rejection based on anticipation under § 102(b) requires that a single prior art reference disclose each and every element of the claimed invention. *See* MPEP § 2131 (stating that a claim is anticipated only if each and every element as set forth in the claim is disclosed in a single prior art reference). Applicants respectfully submit that Srinivasan does not anticipate claim 1, as amended, because Srinivasan fails to disclose each and every element recited in amended claim 1.

For example, Applicants have amended claim 1 to clarify, among other things, that the system for providing a call back option to a customer includes:

means for establishing a second call between the automatic call distributor and the customer over the second communications link based on an acceptance of the call back option by the customer, wherein the second call is given a priority greater than one or more pending calls associated with the call center.

Support for this amendment may be found throughout the specification as filed, such as, for example, at page 12, lines 2-6, page 14, lines 8-12, page 20, lines 17-21, and page 23, lines 17-21.

Applicants respectfully submit that claim 1, as amended, is not anticipated by Srinivasan because Srinivasan fails to disclose, among other things, a system for providing a call back option to a customer that includes “means for establishing a second call between the automatic call distributor and the customer over the second communications link based on an acceptance of the call back option by the customer, wherein the second call is given a priority greater than one or more pending calls associated with the call center,” as recited in amended claim 1. In contrast, Applicants respectfully submit that Srinivasan merely discloses an automatic callback arrangement wherein a return call (identified by the Examiner as the “second call” of the present invention) is automatically returned to an original caller using an automatic call distribution (ACD) system and wherein *the return call is given no priority over other calls currently pending with the ACD system.*

In particular, Srinivasan discloses in Fig. 3 and at column 4, line 23-column 5, line 24 a first ACD function for handling incoming calls to an ACD system that includes routing incoming calls for which there is no available agent to a queue where the incoming calls are prioritized according to time of receipt. Each incoming call pending in the queue is answered according to its respective priority as agents become available. Srinivasan also discloses a second ACD function in Fig. 6 and at column 6, line 52-column 8, line 2 wherein the ACD system places a return call to an original caller based on a call record that contains return call time and return call telephone number previously supplied by the original caller. Srinivasan discloses at column 5, lines 21-26 that the return call time may indicate that the return call is to be placed “as soon as

possible” or at a particular time. Because the incoming call and return call functions are performed using shared ACDS resources and a common pool of agents, Srinivasan suggests that there is a need to determine the availability of ACDS resources and agents prior to placing a return call to an original caller. For example, Srinivasan discloses in Fig. 6 a callback record processing function wherein it is determined at step 604 if a trunk is available for placing the return call and then it is determined at step 606 if an agent is available to handle the return call. If it is determined that no trunk is currently available, the call record is retained at step 605 and the return call function is ended at step 651 until invoked again at step 600. *See, e.g.*, column 7, lines 3-8. If it is determined that a trunk is available but there is no agent to handle the return call, the call record is retained at step 609 and the return call function may proceed to process additional call records at step 601 or proceed to re-process unanswered return calls at step 650. *See, e.g.*, column 7, lines 16-25. Srinivasan further discloses in Fig. 8 another callback record processing function having steps 653 and 656 identical to steps 604 and 606 of Fig. 6, respectively.

Thus, in the case where an original caller has indicated that the return call is to be placed “as soon as possible,” Applicants respectfully submit that the ACD arrangement disclosed by Srinivasan will place the return call *only* when there is a trunk and agent available. In the case where an original caller has indicated that the return call is to be placed at a particular time, Applicants respectfully submit that the ACD arrangement disclosed by Srinivasan will place the return call *only* at the time indicated and even then *only* if there is a trunk and agent available. *In each case, it is clearly evident that the return call is given no priority with respect to other pending calls that are awaiting the availability of agents and ACD system resources.* Therefore, Applicants respectfully submit that Srinivasan fails to disclose “means for

establishing a second call between the automatic call distributor and the customer over the second communications link based on an acceptance of the call back option by the customer, *wherein the second call is given a priority greater than one or more pending calls associated with the call center,*” as recited in amended claim 1.

For at least the above reasons, Applicants respectfully submit that amended claim 1, as well as claims 2-13 and 15 depending therefrom, are not anticipated by Srinivasan. Applicants therefore respectfully request that the §102(b) rejections associated these claims be withdrawn.

Claims 16 and 28 are directed to a system and a method, respectively, for providing a call back option to a customer of a call center and have been amended to include features similar to those discussed above with respect to amended claim 1. Claim 19 is directed to a call center and has been amended in a similar manner. Therefore, for reasons analogous to those presented above with respect to amended claim 1, Applicants respectfully submit that amended claims 16, 19, and 28, as well as claim 18, claim 20, and claims 29-36 depending respectively therefrom, also are not anticipated by Srinivasan. Applicants therefore respectfully request that the §102(b) rejections associated with these claims also be withdrawn.

Applicants have amended dependent claims 5-14, 18, 20, and 32-36 to conform to the amendments of their respective base claims, to address 35 U.S.C. § 112 formalities, and/or to clarify aspects of the claimed subject matter. Applicants note that § 112 amendments are made to conform the claims to § 112 requirements and are not made to overcome any cited art and submit that such amendments should not be construed in a limiting manner. Support for these amendments may be found throughout the specification as filed.

2. Section 103(a) Rejection of Claims 14 and 21-27

Applicants respectfully submit that a *prima facie* case of obviousness under § 103(a) requires, among other things, that the prior art reference (or references, when combined) must teach or suggest all claim limitations. *See* MPEP § 2142.

First, as discussed above with respect to the § 102(b) rejections, Applicants respectfully submit that Srinivasan fails to disclose every feature recited in amended claim 1. Accordingly, Applicants respectfully submit that claim 14 depending from amended claim 1 is non-obvious over the combination of the Srinivasan and Farris references because even when combined, these references fail to teach or suggest each and every limitation recited in claim 14. *See* MPEP § 2143.03 (stating that to make out a *prima facie* case of obviousness under 35 U.S.C. § 103(a) the cited references, when combined, must teach or suggest every element of the claim).

Second, Applicants have herein amended claim 21 to include features similar to those of amended claim 1. For reasons analogous to those presented above with respect to amended claim 1, Applicants respectfully submit that Srinivasan fails to disclose every feature recited in amended claim 21. Accordingly, Applicants respectfully submit that claim 21 is non-obvious over the combination of the Srinivasan and Farris references. Applicants further submit that claims 22-27 depending from claim 21 are also non-obvious over the cited references. *See* MPEP § 2143.03 (stating that if an independent claim is nonobvious under § 103(a), then any claim depending therefrom is nonobvious).

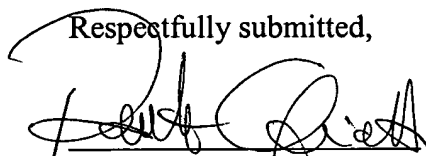
Applicants therefore respectfully request that the § 103(a) rejections associated with claims 14 and 21-27 be withdrawn.

Applicants are not otherwise conceding, however, the correctness of the Office's rejection with respect to any of the dependent claims discussed above and hereby reserves the right to make additional arguments as may be necessary because the dependent claims include additional features which further distinguish the claims from the cited references, taken alone or in combination. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

CONCLUSION

Applicants respectfully request a Notice of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,



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